

Amendment No. 1 to SB1313

Crowe  
Signature of Sponsor

**AMEND Senate Bill No. 1313**

**House Bill No. 647\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-2-102, is amended by deleting subsection (a) and substituting:

(a)

(1) The party requesting the patient's records is responsible to the provider for the reasonable costs of copying and mailing the patient's records. Such reasonable costs must not exceed twenty dollars (\$20.00) for paper copies of medical records five (5) pages or less in length and fifty cents (50¢) per page for each page copied after the first five (5) pages and the actual cost of mailing.

(2) For records other than those involving workers' compensation cases:

(A) The reasonable costs must not exceed the cost of the following, as described in 45 CFR 164.524(c)(4):

(i) Labor for copying the protected health information requested by the individual;

(ii) Supplies for creating the paper copy, or electronic media, if the individual requests that the electronic copy be provided on portable media; and

(iii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and

(B) The total charges for electronic medical records provided via portable media, electronic mail, medical record portal, or fax must comply with the following:

(i) The total charges must be no more than twenty dollars (\$20.00) for records ten (10) pages or less in length;

(ii) The total charges must be no more than twenty-five cents (25¢) per page for each page after the first ten (10) pages, up to eighty dollars (\$80.00); and

(iii) Charges for copying paper records or faxing paper records are subject to the limits set in subdivision (a)(1).

(3) Upon request, a person providing records pursuant to § 63-2-101 shall provide the records in electronic form unless the records are not kept in electronic form in the usual course of business.

(4) A third-party provider of record copying and related services is subject to the reasonable cost limits contained in this section and shall not impose a charge or fee for such services in excess of the cost limits.

(5) The costs charged for reproducing records of patients involved in a workers' compensation claim must be as specified in § 50-6-204.

(6) A healthcare provider shall not charge a fee for copying or notarizing a medical record when requested by the department pursuant to a complaint, inspection, or survey as set forth in § 63-1-117.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.